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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AMENDMENT AND REMARKS

FOR

Attorney Docket Number: FSP0152

Client Reference Number: 260155US

Title: NETWORK PERFORMANCE DETERMINING

Application Number: 09/995,371

Filing Date: Monday, November 26, 2001

First Named Inventor: Cruickshank III, Robert F.

Group Art Unit: 2151

Examiner Name: Patel, Dhairyा

Summary of Office Action

In an office action mailed on 3/10/2006, claims 27,29-32; 34,36-38, and 40 are rejected under 35 USC 102(e) as anticipated by Grabelsky, US 6678250; claims 28,33, and 35 are rejected under 35 USC 103(a) as unpatentable over Grabelsky in view of Bearden, US 2003/0086425.

Summary of Amendments

Amendments have been made to the claims. The amendments to the claims are detailed under the heading "Claims". Deletions are shown in strike-through; additions are underlined.